IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 6543 of 2005

Between:

T.Viswanadham, S/o. T.Mohan Rao,
Konduprolu, West Godavari District.

... PETITIONER

AND

1 The District Collector, West Godavari Dist. at Eluru.
2 The M.R.O., Tadepalligudem W.G.District.
3 The Asst. Divisional Engineer, A.P. Eastern Power Distribution Co.Ltd.,
33/11, KV Sub Station, Kunchinapalli, Tadepalligudem Rural Mandal,
W.G.District.
4 The Asst. Engineer, A.P. Eastern Power Districution Co. Ltd.,
33/11, KV Sub Station Kunchinappli, Tadepalligudem Rural Mandal,
West Godavari District.
5 Kolukoon Ramasita W/o. Kolukoon Dharmaraju,
Konduprolu Village, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 4 in not taking any action in pursuance of petitioner's representation dt.20.08.2004 and allowing the 5th respondent for digging a bore well within a distance of 100 yards from the existing bore well in petitioner's land is against the provisions of A.P. Water Land & Trees Act, 2002 as arbitrary and contrary to law and violative of Arts 14& 21 of the Constitution of India and consequently direct the respondents 3 & 4 not to grant power connection to the 5 th respondent for pumping of water from the said bore well.

Counsel for the Petitioner: MR.YALLABANDI RAMATIRTHA

Counsel for the Respondents 1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed questioning the alleged action of the respondents 1 to 4 in not taking any action in pursuance of the representation dated 20-08-2004 made by the petitioner complaining that the fifth respondent has illegally dug a bore well within a distance of 100 yards from the existing bore well of the petitioner without following the procedure prescribed under the provisions of the A.P. Water, Land and Trees Act, 2002 and without obtaining any permission to that effect.

The petitioner claims to be the owner and possessor of the land to an extent of Ac.3.22 cents in RS.No.282/1 of Konduprolu Village, Tadepallygudem Mandal, West Godavari District, wherein, a bore well was drilled about ten years back. It is alleged that the fifth respondent herein has dug a bore well within the prohibited distance of about 100 yards from the existing bore well of the petitioner. Since, such action is not permissible under the provisions of the A.P. Water, Land and Trees Act, 2002, (for short 'the Act') the petitioner made a complaint before the respondents 1 to 4 on 20-08-2004. The only grievance of the petitioner in this writ petition is that the respondents 1 to 4 failed to consider the said complaint and no action has been taken, so far.

Having heard the learned counsel for both parties and in the light of the provisions of the A.P. Water, Land and Trees Act, 2002, which provides for the procedure to be followed for digging the wells, without expressing any opinion on the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the respondents 1 to 4, to consider the complaint made by the petitioner dated 20-08-2004 and pass appropriate orders, after following due process as prescribed under the provisions of the Act and the Rules made thereunder and after affording due opportunity to the fifth respondent to rebut the allegations, as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 28-03-2005

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, West Godavari Dist. at Eluru.
2 The M.R.O., Tadepalligudem W.G.District.
3 The Asst. Divisional Engineer, A.P. Eastern Power Distribution Co.Ltd., 33/11, KV Sub Station, Kunchinapalli, Tadepalligudem Rural Mandal, W.G.District.
4 The Asst. Engineer, A.P. Eastern Power Distriction Co. Ltd., 33/11, KV Sub Station Kunchinappli, Tadepalligudem Raral Mandal, West Godavari District.
5 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

6 Two C.D. copies.